

FARMINGTON CITY PLANNING COMMISSION

Thursday, August 25, 2005

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Keith Klundt, Annie Hedberg, Paul Barker, Kevin Poff, and Jim Talbot, City Planner David Petersen, and Recording Secretary Jill Hedberg. Cindy Roybal was excused.

Chairman Ritz called the meeting to order at 7:00 P.M. **Paul Barker** offered the invocation.

APPROVAL OF MINUTES

Keith Klundt moved that the Planning Commission approve the minutes of the August 11, 2005, Planning Commission Meeting with changes as noted. **Annie Hedberg** seconded the motion. The Commission voted unanimously in favor.

CITY COUNCIL REPORT

David Petersen reported the proceedings of the City Council meeting which was held on August 17, 2005. He covered the following items:

- The City Council granted schematic plan approval for a commercial subdivision located at Lagoon Drive and Park Lane.
- The City Council approved the schematic plan for Phase 2 of the Hidden Meadows Subdivision on property located at approximately 1300 North Main.
- The City Council approved the southerly phase of Farmington Crossing PUD. The applicant shall reconfigure the northerly phase to include a commercial aspect.
- The City Council tabled consideration of Chapter 10 regarding residential development until consideration of the N.M.U. text occurs first.
- The City Council tabled consideration of Chapter 18 and Chapter 11 until recommendations are received from the Planning Commission.
- The City Council granted schematic plan approval for the two lot subdivision located at approximately 1750 West 675 North (Burke Lane) subject to the recording of an infrastructure extension agreement for both parcels.

- The City Council granted final plat approval for the Farmington Ranches Phase 6 subdivision on property located at approximately 2100 West 350 North.

[Kevin Poff arrived at 7:17 P.M.]

WESTGLEN CORPORATION, RANDALL RIGBY - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE MILLER MEADOWS SUBDIVISION, PHASE II, CONSISTING OF 25 LOTS ON 12.853 ACRES LOCATED AT APPROXIMATELY 625 SOUTH 650 WEST IN AN AE ZONE (S-5-05) (Agenda Item #3)

Background Information

The Planning Commission originally approved the request for preliminary plat approval on November 11, 2004, which included phases I-V. Phase I has been developed.

Development of future phases are contingent upon the City negotiating and obtaining land and/or easements to allow storm water to be brought to a centralized detention basin. The negotiations are nearly complete. No construction of the storm water system should begin, nor shall the final plat be recorded, until these negotiations are finalized since there will be no where for the storm water to flow.

END OF PACKET MATERIAL.

David Petersen displayed the Preliminary Plat for the Miller Meadows subdivision. Phase I had homes being built. Phase II was made up of lots that surround the conservancy lots. Phase II was delayed due to the City attempting to attain off-site storm drainage easements, which were being finalized. Phase III will be done in two separate phases (3A and 3B). City Staff recommended final plat approval for the second phase of the subdivision.

Randall Rigby said he had contributed funding for the detention pond easements.

Paul Barker asked if the detention pond would accommodate all of the Miller Meadow subdivision phases.

Randall Rigby said the detention pond had been designed by Paul Hirst to handle all of the phases, as well as the Legacy drainage. There would also be a detention pond in Phase III.

Motion

Kevin Poff moved that the Planning Commission make a recommendation to the City Council for final plat approval as requested, subject to all applicable Farmington City development standards and ordinances and the following:

1. Review and approval of the final plat and improvement drawings, including a grading and drainage plan and a Storm Water Pollution Prevention Plan containing all the information and meeting all the requirements of the Utah Department of Environmental Quality Water Quality Division for a National Pollution Discharge Elimination System (NPDES) permit and that complies with the Farmington City Storm Water Management Plan, by the City Engineer, Farmington Storm Water Official, Public Works Department, Fire Department, Central Davis Sewer District and Weber Basin Conservancy District. The Developer shall obtain an NPDES permit from the state.
2. All requirements of preliminary plat approval as described in the letter dated November 15, 2004, that apply to this phase of the Miller Meadows Subdivision shall be met.
3. All corrections, additions or clarifications on the Construction Drawing Review dated August 22, 2005 and Final Plat Review dated August 21, 2005 shall be addressed, as well as any submitted by the City Engineer, Public Works Department, Fire Department, Central Davis Sewer District, or Weber Basin Conservancy District.
4. The final plat shall reflect correct setback requirements for a Conservation Subdivision.
5. Lot 220 shall be developed as a Conservancy Lot and be labeled as such on the final plat.
6. The final agreements and acquisition of land and/or easements by the City for the off-site retention pond to handle storm water shall be completed prior to recordation of the final plat and before construction begins. This retention area will be shown on a vicinity map on the final plat.

Paul Barker seconded the motion, which passed by unanimous vote.

Findings

- The developer worked well with the City.
- The developer accommodated the requests of the Planning Commission.
- The neighborhood would include off-site improvements.

JERRY PRESTON (PUBLIC HEARING) - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR PHASE I OF THE RICE FARMS ESTATES PUD CONSISTING OF 16 LOTS ON 6.02 ACRES LOCATED AT APPROXIMATELY 50 WEST 700 SOUTH IN AN LR (PUD) ZONE (S-7-05) (Agenda Item #4)

Background Information

The City Council voted on August 3, 2005, to rezone 32.3 acres of property located at 50 West 700 South to “LR (PUD)” subject to several conditions that still need to be met including:

1. Existing and proposed utility system plan including easements for electricity, natural gas, and telephone, etc.
2. A landscaping plan indicating the treatment of materials used for private and common open spaces.

In addition, the Planning Commission voted on July 14, 2005, to recommend to the City Council schematic plan approval subject to all applicable Farmington City Development standards and ordinances and the following issues that still need to be addressed:

1. The applicant must prepare a wetland mitigation plan that meets U.S. Army Corp requirements and/or receive a permit from the Corp to fill wetlands now located on the property. A property owner may apply for preliminary plat approval for a portion of the overall project area without preparing or receiving the necessary wetland information required herein so long as no wetlands exist on said portion or so long as no wetlands encroach into the buildable area of lots for the proposed preliminary plat.

No wetlands report has been provided, nor have the wetlands for this phase been delineated to show where on the lots they might be a problem and limit the buildable area.

No soils report has been submitted by the developer. There could be a similar issue that occurred on adjacent developments with peat soil that caused problems when houses were built. The soils report is required for preliminary plat approval (12-6-040), and will be needed to evaluate the potential for this problem. The soils report will also determine whether a land drain system should be required for this development.

There are several items missing from the preliminary plat checklist, but they should not be significant enough to prevent approval of the preliminary plat.

END OF PACKET MATERIAL.

David Petersen displayed a Vicinity Map and Development Plan for the P.U.D. City Staff was concerned about the water impact since the wetlands bordered the edge of a farmer's field. The Army Corp. had mitigated other land in the area which made him believe they may mitigate this area as well. The developer has not yet provided a delineation to the City. He suggested extra precautions be taken with the footings due since there was a high level of peat in the area. **Cindy Roybal** asked **Mr. Petersen** to suggest that the development include trees.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission.

Jerry Preston said he was working with Symphony Home's delineation specialist who informed him that the delineation application may have been previously submitted. He said their soils test did find peat in the area.

Shannon Hicks (511 South 111 West) asked if the road access was on 620 South.

David Petersen said the road access was on 620 South and the Frontage Road.

Shannon Hicks said her father had developed the road since they planned to develop their property. She said the road was supposed to go east. She was concerned the residents would use the road that would provide the quickest access to the freeway.

David Petersen said there would be 5-6 roads exiting the development. A traffic study was being done to determine what effects would come from the 200 East connection, which would not be constructed for several years.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing.

Motion

Annie Hedberg moved that the Planning Commission table the application pending the submission of the following additional information:

1. A wetlands delineation report showing there will be no wetlands in lots 2-8 which will restrict the size of the building sites on these lots beyond the size necessary for construction.
2. A soils report so it can be determined whether there are peat soils that will be a problem for construction of homes.

Keith Klundt seconded the motion, which passed by unanimous vote.

GREG BELL - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR THE PARK LANE SUBDIVISION CONSISTING OF 5 PARCELS ON APPROXIMATELY 11.77 ACRES LOCATED ON THE EAST SIDE OF PARK LANE AT LAGOON DRIVE IN A CMU ZONE (S-19-05) (Agenda Item #4b)

David Petersen said the notice for the agenda item had not been sent so Mr. Bell requested that the item be tabled.

Motion

Jim Talbot moved that the Planning Commission table consideration for preliminary plat approval until the first meeting in September to allow for notices to be sent to each affected entity as defined by State Law. **Kevin Poff** seconded the motion, which passed by unanimous vote.

GUY HASKELL (PUBLIC HEARING) - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE PROPERTY (2.1 ACRES) LOCATED ON THE NORTHEAST CORNER OF LUND LANE AND THE FRONTAGE ROAD FROM A TO LR, AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION RELATED THERETO (Z-6-05) (Agenda Item #5)

Background Information

The minimum lot size in the LR zone is 20,000 square feet unless the applicant, Guy Haskell, follows the standards set forth in Chapter 12 of the Zoning Ordinance (“Conservation Subdivision Development Standards”). In such case the lot sizes depicted on the schematic plan meet the minimum requirements of the LR zone, but in so doing the applicant has failed to meet other standards of the Conservation Subdivision Ordinance. Additionally, the applicant failed to meet standards and policies in the Subdivision Ordinance and the General Plan. Therefore, it is recommended that the Planning Commission table consideration of Mr. Haskell’s request until these issues can be resolved.

END OF PACKET MATERIAL.

David Petersen displayed the Vicinity Map. The property was annexed and zoned A. The applicant would like to rezone the property to LR. The applicant was not required to present the Schematic Plan at the time of rezoning. He displayed the Schematic Plan and pointed out that the subdivision does not have open space or large lots against the Frontage Road, as is common in both Centerville and Farmington. He suggested that the developer include a road on Lund Lane that would stub to the north. It would be natural for the road to connect with the Glover road so the larger lots could be positioned along the Frontage Road. He did not think the Schematic Plan was ready to be approved.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission.

Guy Haskell said he did not receive approval for rezoning the property when he received the annexation approval since the City Council wanted to wait for the area to be further developed. He said he had not realized the requirements that needed to be met. He would reapply for the zoning and Schematic Plan approval once the plan was in compliance.

Dee Evans (Farmington resident) said there should be larger lots along the Frontage Road. He would like the development to be consistent with the area and kept as rural as possible.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members discussed the issues, including the following points:

Kevin Poff asked if the area would include sidewalks.

David Petersen said Centerville City had approached Farmington City about extending the Frontage Road sidewalk further to the north. A meeting was planned to discuss Centerville City's proposal to continue the trail.

Guy Haskell requested that the property be rezoned so he could prepare the Schematic Plan.

David Petersen said once the zoning was granted, the developer would have an entitlement.

Jim Talbot suggested considering the rezoning at the same time as the Schematic Plan since the property was still under option.

Motion

Jim Talbot moved that the Planning Commission table the property rezone and Schematic Plan approval until the applicant presents a Schematic Plan that is in compliance with all applicable Farmington ordinance requirements and development standards. **Kevin Poff** seconded the motion, which passed by unanimous vote.

DAVIS COUNTY (PUBLIC HEARING) - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL TO INSTALL RV HOOK-UP FACILITIES TO ACCOMMODATE APPROXIMATELY 80 PROPOSED R.V. SITES AT THE FAIR PARK LOCATED AT 1100 WEST AND CLARK LANE IN AN A ZONE (C-14-05) (Agenda Item #6)

Background Information

In consideration of the proposed use by Davis County, the Planning Commission must consider whether or not the R.V. hook up facilities are consistent with the conditional use standards set for in section 11-8-105 of the Zoning Ordinance (see enclosure). If not, the Planning Commission should deny the application. If so, the Planning Commission may approve the application,, approve the application with conditions, or table the application in order to obtain additional information. The property is zoned Agriculture and the Planning Commission may determine that the proposed use is a public use because it supports the existing Fairground Park. Nevertheless, it may be prudent for the Planning Commission to require the applicant to follow the standards for trailer and campground areas set forth in Chapter 36 of the Zoning Ordinance if the Planning Commission determines that the proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community.

END OF PACKET MATERIAL.

David Petersen said the Davis County Fairgrounds and Justice Complex were approved on conditional use permits. City Staff agreed to consult the Planning Commission regarding the R.V. park due to its growth potential. He did not like the stall placement along Clark Lane and 1100 West. Chapter 36 of the zoning ordinance was adopted for the Lagoon trailer park and stated that all trailer parks within the City would need to be in compliance. He reviewed the ordinance requirements which included density requirements and setbacks from public streets. Trailer parks would only be allowed in the CH zone. The only CH zone in the City was Lagoon's Campground. He felt it would be worth considering the general requirements in other jurisdictions.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission.

Dave Hansen (Fair Park Manager) said the addition of an RV park to the Fairgrounds would accommodate the need of their patrons. Their patrons stay in their trailers without the control of the Fairgrounds which creates a safety hazard. He said the RV stalls were close to the road but were spaced 16 feet apart. The stall area was chosen because of the man made barrier for the trailers to be backed into. There would be ample space for the trailers to turn around and ample space for a fire lane. The Fairgrounds would not solicit general campers.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members discussed the issues, including the following points:

Chairman Ritz said there was a need for an RV park. He felt it should be determined whether the RV park would comply with the City's ordinance.

David Petersen asked what would prevent people from staying for extended periods of time.

Dave Hansen said the Fairgrounds Management would have power control. The park would only be open when there was a show. A cap could be created to limit the campers stay. Tax revenue would be generated from the R.V. Park.

Keith Klundt said he felt there was a need for the RV Park at the Fairgrounds but felt it would be necessary to include conditions.

Jim Talbot said he felt it was important to create a time limit cap for the campers.

Annie Hedberg suggested that the Fairgrounds Management not place the needs of their out of state residents above the needs of their local residents.

David Petersen said the Planning Commission could grant conditional use approval for a certain period of time. The Fairgrounds Management could then report the status of the RV park back to the Planning Commission.

Chairman Ritz suggested that the parking spaces be located away from the road.

Dave Hansen said Utah Power would need to determine whether the power lines could sustain the RV's in another area.

Motion

Keith Klundt moved that the Planning Commission table consideration of the application until the following issues are resolved:

1. The site for the proposed R.V. pads adjacent to Clark Lane and 1100 West is not an appropriate location for such facilities unless the applicant can provide some sort of buffer or screen to mitigate the appearance of the R.V.s at this gateway area of the City.
2. Davis County must demonstrate that the applicant can meet the requirements for the trailer and campground areas set forth in Chapter 36 of the Zoning Ordinance to the satisfaction of the City and thereafter prepare plans in accordance with those standards.
3. The Fairgrounds Management must also create conditions to govern the RV park use. They must also contact and work closely with City Staff to provide a list of conditions whereby the Planning Commission may consider conditional use/site plan approval for the County's request. **Jim Talbot** seconded the motion, which passed by unanimous vote.

Jim Talbot suggested that an extended mailing be sent regarding the R.V. park public hearing to the residents of 1100 West and the Farmington Green.

MARK DAVIDSON - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR TWO OFFICE BUILDINGS (APPROXIMATELY 10,000 S.F. TOTAL SPACE) ON 1.788 ACRES LOCATED AT 314 SOUTH 200 WEST IN A BP ZONE (C-10-05) (Agenda Item #7)

Background Information

This agenda item was tabled on July 28, 2005, in order to allow time for the applicant to complete the unfinished items regarding the site plan with the caveat that the Planning Commission encouraged the developer to work with City Planning Staff to put together a project that can be approved. The City Planner arranged a meeting with the applicant and Rod Mortensen, an architect who consults with the City, to evaluate the elevations of the proposed building. From this meeting it appears that the building can fit into the office park if the applicant implements recommendations contained in the consultant's letter.

END OF PACKET MATERIAL.

David Petersen said he had attended a meeting with Rod Mortensen and representatives of Tom Stuart Construction. Mr. Mortensen felt the elevation had been well done and he was not concerned with the flat roof since there were similar buildings in the area. Mr. Mortensen did recommend that additional windows be added to the building, which was acceptable to I-Transact.

The applicant presented a packet to the Planning Commission which included photographs of other buildings done by Tom Stuart Construction.

Mr. Petersen said that the applicant was providing acceptable landscaping and adequate parking. He suggested that the developer landscape the adjacent strip as well. He said there were still site plan requirements that needed to be satisfied.

Motion

Kevin Poff moved that the Planning Commission accept the elevations for the office building as proposed with changes as recommended by Rod Mortensen and changes presented by the applicant at the Planning Commission meeting on August 25, 2005. **Paul Barker** seconded the motion, which passed by unanimous vote.

Kevin Poff moved that the Planning Commission table consideration of the application to allow adequate time for staff to review the site plan and offer recommendation for approval. **Jim Talbot** seconded the motion, which passed by unanimous vote.

JOSEPH JARDINE - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A GROUND SIGN AT 57 NORTH MAIN IN A BR ZONE (C-9-05) (Agenda Item #8)

Background Information

The Planning Commission reviewed this agenda item on July 14, 2005, and approved a motion to table action at the request of the applicant. Mr. Jardine needed more time to obtain information from UDOT regarding rules and regulations about signs in the public right-of-way. At the July 14 meeting, the Commission reviewed an enclosed opinion from Lisa Romney, from the City Attorney's office, regarding the application. In the second to last paragraph of Ms. Romney's letter it states:

Sufficient findings should be provided in support of the Planning Commission decision in this matter, specifically addressing the factors and considerations required in Section 11-8-105 of the Farmington City Zoning Ordinance regarding the conditional use permits.

This section is included as part of the Staff Report from the June 12, 2005, Planning Commission meeting.

The Planning Commission again reviewed this agenda item on July 28, 2005. Mr. Jardine was unable to obtain information from UDOT as requested and the Planning Commission tabled the agenda item again (see letter to Joseph Jardine dated August 17, 2005).

Recently, City Staff discussed the sign and UDOT right-of-way issues with Luana Middleton of the UDOT Region 1 office in Ogden. According to Ms. Middleton, it is her understanding that UDOT jurisdiction at the location for the existing sign stops at the back of curb. Therefore, the location of the sign is a local matter and not a UDOT issue. If this is the case, the Planning Commission must resolve the following issues:

1. Should the sign be back-lit, and if so what are the appropriate hours to light the sign.
2. The site plan for the proposed sign must be accompanied by a survey to determine the location of the sign in relation to the property line.

END OF PACKET MATERIAL.

David Petersen said a UDOT representative, Luana Middleton, had verbally informed him that UDOT's jurisdiction ends at the back of curb. The property line would need to be considered when the sign application was submitted.

Joseph Jardine said he would be available to answer any questions the Planning Commission may have.

The Planning Commission agreed the applicant should be allowed to light the sign with certain restrictions.

Mr. Petersen stated that if the building had a tenant with different operating hours, they could reapply for an extension of time on the lighting of the sign.

Motion

Kevin Poff moved that the Planning Commission grant conditional use and site plan approval to establish a ground sign at 57 North Main subject to the following conditions:

1. The sign should not be lit between the hours of 10 P.M. and 6 A.M.
2. The site plan for the proposed sign must be accompanied by a survey to determine the location of the sign in relation to the property line.
3. The Utah Department of Transportation (UDOT) stated that their jurisdiction on Main Street (S.R. 106) ends at the back of curb, therefore, they have no requirements or restrictions regarding the sign. The developer shall submit a document acceptable to the City holding Farmington City harmless if UDOT changes their position related to the sign.

Jim Talbot seconded the motion, which passed by unanimous vote. **Paul Barker** abstained due to his absence at previous sign discussions.

Findings

- The sign does not violate the UDOT right of way.
- The sign has been standing since the late 70's.
- The sign would promote business in Farmington
- The sign is not located in a residential part of town.

**P & F FOOD SERVICE, KENT FOOTE - APPLICANT IS REQUESTING
CONDITIONAL USE AND SITE PLAN APPROVAL TO RELOCATE AND INCREASE
THE HEIGHT OF THE ARBY'S SIGN LOCATED ON THE NORTHWEST CORNER
OF SHEPARD LANE AND US 89 IN A C ZONE (C-12-05) (Agenda Item #10)**

Background Information

The Planning Commission reviewed this agenda item on August 11, 2005, and approved a motion to table the request in order to allow time for discussions to take place between the applicant, the owner of the Goodyear property, and Burt Brothers. The applicant delivered a response from Burt Brothers but has been unable to contact the owners of the Goodyear site. Furthermore, the applicant is proposing to modify the future ground sign to accommodate an additional sign cabinet as shown on the up-dated sign elevations from Young Electric Sign Company dated August 17, 2005. Therefore, one issue still remains: the City has not received a response from the property owner and is this necessary?

END OF PACKET MATERIAL.

David Petersen stated that the Goodyear tire property was owned by Mr. Kidder. The property was leased by Goodyear who subleases to Burt Brothers. In the early 90's, there was a conditional use application approved by the City which encompassed both the Goodyear property and the Arby's property. The sign was part of the conditional use permit. They were allowed separate cabinets on one pole. He referred to the letter submitted by Young Electric Sign which stated that Burt Brothers or a future tenant would be allowed to be on the new pole sign at any time in the future. The City Attorney recommended that he review a lease agreement regarding the sign before the Planning Commission considers whether or not to approve the application. If a lease agreement does not exist, a Hold Harmless Indemnification Agreement acceptable to the City should be signed by the owner and recorded against the property.

Kent Foote (Arby's Franchisee) said the sign belongs to Arby's, who gave Goodyear the right to be on the sign. A lease agreement does not exist. Burt Brothers was not interested in signage at this time but the pole would be adequate to handle Burt Brother's box if they change their mind. He said his business lost \$300,000 in sales during the Highway 89 construction. He spent \$60,000 to remodel the building (which is owned by James Ivers) and was committed to the area but needed highway signage to generate business. He said he was willing to sign a Hold Harmless Indemnification Agreement.

Jim Talbot said he was concerned that the Arby's sign would be taller than the Smith's sign.

David Petersen said the new Arby's sign would be 20 feet taller than the current sign.

Jim Talbot said it would be appropriate to get a signed agreement from Mr. Kidder, who owns the Goodyear building.

Kent Foote said he did not have an obligation to Mr. Kidder since the sign was on his property. The initial agreement was with the lessee, not the building owner. He said he did not object to another tenant being on his sign since it would generate traffic and would attract more attention.

Motion

Keith Klundt moved that the Planning Commission grant conditional use and site plan approval to relocate and increase the height of the Arby's sign located on the northwest corner of Shepard Lane and U.S. 89 subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The owner of the Arby's property shall sign a Hold Harmless Indemnification Agreement acceptable to the City.
2. The applicant agrees to allow Burt Brothers or a future tenant to install a sign on the new pole.
3. The new sign must be designed to withstand wind speeds in excess of 100 mph.

Kevin Poff seconded the motion which passed by a 4 to 1 vote.

Findings

- The City was supportive of Arby's effort to recover from the financial damage incurred from the Highway 89 construction.
- The adjacent property owner was provided the opportunity to participate in signage.

FARMINGTON CITY (PUBLIC HEARING) - APPLICANT IS REQUESTING A RECOMMENDATION TO AMEND CHAPTER 32 OF THE ZONING ORDINANCE REGARDING DRIVEWAY ACCESS STANDARDS (ZT-4-05) (Agenda Item #10)

David Petersen referred to a past case where an individual wanted to purchase property to build an estate home. The platted property had frontage on a dedicated street but a driveway could not be built on the steep area. The prospective buyer proposed providing an off-site driveway to the site. He asked for the Zoning Administrator's determination as to whether it

would be allowed. The City informed the prospective buyer that any future home needed direct access to the public street.

Mr. Petersen went on to explain that the Judd family would like to divide their property. The Planning Commission supported the creation of an additional lot but in order to get direct access, there would need to be a driveway directly to the street. UDOT would not allow a direct access because it would create another curb cut on 600 North. The Planning Commission considered allowing a flag lot but the area was zoned OTR which restricted flag lots. The Planning Commission recommended that the City Council rezone the property LR. The City Council did not grant the rezone. A subcommittee was organized that modified the code to read as follows:

11-32-106 Access to Off-Street Parking and Loading Spaces.

- (1) Ingress and Egress- Adequate ingress and egress to all uses shall be provided as follows:
 - (d) Driveways shall not exceed a slope of fourteen percent (14%) ~~and shall have direct access to a public street.~~
 - (e) Driveways shall have direct access to a public street. Direct access may include access over adjacent building lots in a platted subdivision provided both lots have full frontage on a public street, an access easement has been recorded acceptable to the City, and the full face of any dwelling located on the lot fronts or is fully exposed to the public street.

If the zoning code were modified, it would accommodate the proposed Judd subdivision without making it necessary to create a flag lot. It would also accommodate the Mayfield subdivision which is located across the street from the Judd property.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Chris Judd said he did not have comments but was available to answer any questions the Planning Commission may have regarding his proposed subdivision.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members discussed the issues, including the following points:

Kevin Poff said the code modification would eliminate the driveway problem while keeping the zoning in tact.

David Petersen said the code would apply to all zones in the City. Both lots would need to be platted. He recommended the modification to the code.

Motion

Kevin Poff moved that the Planning Commission recommend that the City Council amend the zone text as requested. **Paul Barker** seconded the motion, which passed by unanimous vote.

Findings

- The modification to the code would not alter the zoning.
- There had been adequate code and zoning research done.

HISTORIC PRESERVATION WORKSHOP DISCUSSION (Agenda Item #11)

The Planning Commission members agreed to meet with the Historic Preservation Committee on September 22, 2005, or on one of the meeting dates in October. They requested that the meeting be limited to one-half hour.

ADJOURNMENT

Annie Hedberg moved that the Planning Commission adjourn at 9:25 P.M.

Cory Ritz, Chairman
Farmington City Planning Commission